

AMENDED ORDER OF THE STATE PERSONNEL BOARD

ANTHONY GUARA,

Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES, COLORADO MENTAL HEALTH
INSTITUTE AT PUEBLO,

Respondent.

The State Personnel Board (the "Board") met in public session on Tuesday, August 20, 2002. During this public session, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge
2. Respondent's Brief on Appeal
3. Complainant's Opening-Answer Brief on Appeal
4. Respondent's Reply/Answer Brief on Appeal
5. Complainant's Reply Brief on Appeal

The Board voted to adopt the findings of fact in the Initial Decision of the Administrative Law Judge, but to reverse the Administrative Law Judge on both of the conclusions of law. In upholding Respondent's termination of Complainant, the Board held that Respondent's action of terminating Complainant's employment was not arbitrary, capricious or contrary to rule or law, and the discipline imposed was within the range of available alternatives.

This order represents the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, Ms. Siderius, Mr. Zakhem and Ms. Lottner.

Dated this _____ day of
August, 2002.

Joyce Lottner
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
Denver, CO 80203

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2001), as provided in Section 24-50-125.4(3), C.R.S. (2001).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of August, 2002, I placed true copies of the foregoing **AMENDED ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

N. Nora Nye, Esq.
A.F.S.C.M.E. Colorado Council 76
3401 Quebec Street, Suite 7500
Denver, CO 80207

And in the interagency mail, addressed as follows:

Joseph F. Haughain
Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
